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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 IN RE TWO SUBPOENAS ISSUED  
9 BY INNOVATION SCIENCES, LLC  
10 TO HTC AMERICA INC.

C19-1025 TSZ

related to Innovation Sciences, LLC v. HTC Corporation, E.D. Tex. No. 4:18-cv-474 ALM

MINUTE ORDER

11 The following Minute Order is made by direction of the Court, the Honorable  
12 Thomas S. Zilly, United States District Judge:

13 (1) The motion, docket no. 1, brought by HTC America Inc. (“HTCA”), to  
14 quash a subpoena for documents dated June 5, 2019, docket nos. 1-2 & 1-3, and a  
15 subpoena for deposition dated June 5, 2019, docket nos. 1-4 & 1-5, is GRANTED.  
16 These subpoenas were issued by Innovation Sciences, LLC, formerly known as Virginia  
17 Innovation Sciences, LLC (“VIS”), in connection with an action between VIS and  
18 HTC Corporation in the Eastern District of Texas, to which HTCA, a wholly-owned  
19 subsidiary of HTC Corporation, is not a party. VIS indicates that it “does not care”  
20 which entity, HTCA or HTC Corporation, produces the information sought by way of  
21 the subpoenas in question. See Resp. at 1-2 (docket no. 2). The Court may limit  
22 otherwise permissible discovery if the materials sought are “unreasonably cumulative or  
23 duplicative” or “can be obtained from some other source that is more convenient,  
less burdensome, or less expensive.” Fed. R. Civ. P. 26(b)(2)(C)(i); see Fed. R. Civ.  
P. 45(d)(1) & (3)(A)(iv); see also In re Subpoena to Records Custodian for Rosse Cox  
Vucinovich Flaskamp PC, 2009 WL 10676364 at \*2 (W.D. Wash. June 19, 2009).  
Because VIS seeks items that were already disclosed by HTC Corporation and/or are  
available from HTC Corporation through the ordinary course of discovery, including any  
appropriate motion to compel, in the litigation pending before the Eastern District of  
Texas, the subpoena duces tecum and subpoena ad testificatum are QUASHED. See  
Micro Motion, Inc. v. Kane Steel Co., Inc., 894 F.2d 1318, 1323, 1328 (Fed. Cir. 1990);  
see also Fed. R. Civ. P. 11(b) & 26(g).

1       (2)     The Clerk is directed to CLOSE this case and to send a copy of this Minute  
2     Order to all counsel of record.

3       Dated this 13th day of August, 2019.

4                               William M. McCool  
5                               Clerk

6                               s/Karen Dews  
7                               Deputy Clerk